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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

MAYFLOWER CAPITAL
COMPANY PROFIT SHARING
PLAN,

Plaintiff and Respondent,

v.

MULJI PATEL,

Defendant and Appellant.

B288872

(Los Angeles County
Super. Ct. No. GC040256)

APPEAL from an order of the Superior Court of Los Angeles County, Edward B. Moreton, Jr., Judge. Affirmed.

Mulji Patel, in pro. per., for Defendant and Appellant.

Wallin & Russell, Michael A. Wallin, John C. Russell;
Benedon & Serlin, Gerald M. Serlin and Melinda W. Ebelhar for
Plaintiff and Respondent.

Defendant Mulji Patel appeals from an order for sale of dwelling entered in favor of plaintiff Erwin A. Nepomuceno, the judgment creditor in this action.¹ We affirm.

BACKGROUND²

This case apparently arose out of a hammer attack on Nepomuceno by Patel. Patel was convicted and imprisoned as a result of the attack. Nepomuceno sued for damages; Patel denied attacking Nepomuceno and challenged the claimed damages. (*Patel v. Superior Court* (Mar. 4, 2011, B231006).)

On July 5, 2011, Nepomuceno obtained a judgment against Patel in the amount of \$1,491,839. Patel purported to appeal this judgment on March 1, 2012. We dismissed the appeal as untimely on April 24, 2012. (*Nepomuceno v. Patel* (Apr. 24, 2012, B239674).)

Patel filed a petition for writ of mandate/prohibition on August 21, 2014. In it he claimed Nepomuceno committed perjury at trial. We summarily denied the petition. (*Patel v. Superior Court* (Sep. 26, 2014, B258332).)

Nepomuceno filed a petition for an order for the sale of Patel's dwelling pursuant to Code of Civil Procedure

¹ During the pendency of the appeal, Mayflower Capital Company Profit Sharing Plan substituted in as plaintiff and appellant.

² Despite the inadequate record on appeal provided by Patel, we are able to glean various facts concerning this case from documents filed in connection with other proceedings in this court, of which we take judicial notice. (Evid. Code, §§ 452, subd. (d), 459.)

section 704.750. The trial court conducted a hearing on the petition on January 8, 2018. The outstanding balance on the judgment as of January 21, 2018 was \$2,469,504.45. The trial court granted the petition and, on January 31, 2018, it filed an order for sale of dwelling.³ Patel timely appealed.

On April 11, 2018, Patel filed a request to stay the sale of his dwelling. The basis of his request was that there was no hearing on Nepomuceno's petition. Patel also challenged the original judgment, apparently because he did not appear at trial due to his incarceration. We denied Patel's request on April 26, 2018.

DISCUSSION

In his opening brief, Patel contends the order for sale of dwelling was forged by the trial court; there are no reporter's transcripts for hearings held on January 8 and 31, 2018, and February 9, 2018; there is no record of any proceeding held on January 31, 2018. In his reply brief, Patel claims that Nepomuceno's counsel did not tell the truth in the respondent's brief as to why there were three orders for sale of dwelling, dated January 31, 2018, July 12, 2018, and September 24, 2018. As we discuss below, Patel has failed to meet his burden to demonstrate error on appeal.

As Nepomuceno pointed out in his brief, there are certain basic rules governing appeals. " 'Perhaps the most fundamental

³ The clerk's transcript contains an order for sale of dwelling erroneously file-stamped January 31, 2017. The case summary indicates that the order was filed on January 31, 2018.

rule of appellate law is that the judgment [or order] challenged on appeal is presumed correct, and it is the appellant’s burden to affirmatively demonstrate error.’” (*Ruelas v. Superior Court* (2015) 235 Cal.App.4th 374, 383; accord, *In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.) “To demonstrate error, appellant must present meaningful legal analysis supported by citations to authority and citations to facts in the record that support the claim of error. [Citations.]’ [Citation.] ‘Mere suggestions of error without supporting argument or authority other than general abstract principles do not properly present grounds for appellate review.’ [Citation.] ‘Hence, conclusory claims of error will fail.’ [Citation.]” (*Multani v. Witkin & Neal* (2013) 215 Cal.App.4th 1428, 1457; accord, *Rojas v. Platinum Auto Group, Inc.* (2013) 212 Cal.App.4th 997, 1000, fn. 3.)

The appellant’s brief must “[p]rovide a summary of the significant facts limited to matters in the record.” (Cal. Rules of Court, rule 8.204(a)(2)(C).) To the extent Patel—and Nepomuceno—have made reference to factual or procedural matters without record references or documentation in the record, we will disregard such matters. (*Rybolt v. Riley* (2018) 20 Cal.App.5th 864, 868; *Harshad & Nasir Corp. v. Global Sign Systems, Inc.* (2017) 14 Cal.App.5th 523, 527, fn. 3.)

Additionally, our jurisdiction on appeal is limited to the order designated in the notice of appeal, from which the appeal was taken. (*Ellis v. Ellis* (2015) 235 Cal.App.4th 837, 846; *Faunce v. Cate* (2013) 222 Cal.App.4th 166, 169-170.) We have no jurisdiction to review subsequent orders. “ ‘ “Matters occurring after entry of judgment are ordinarily not reviewable: The appeal reviews the correctness of the judgment or order as of the time of its rendition, leaving later developments to be handled in

subsequent litigation.” ’ ’ ” (*Dore v. County of Ventura* (1994) 23 Cal.App.4th 320, 323, fn. 2; accord, *In re Francisco W.* (2006) 139 Cal.App.4th 695, 706.) Similarly, we cannot consider challenges to the original judgment, which could have been raised in a timely appeal from that judgment. (See *Chico Feminist Women’s Health Center v. Scully* (1989) 208 Cal.App.3d 230, 252-253; *Polster, Inc. v. Swing* (1985) 164 Cal.App.3d 427, 436; *Canal-Randolph Anaheim, Inc. v. J. E. Wilkoski* (1980) 103 Cal.App.3d 282, 288, fn. 3.)

With respect to Patel’s claim that the order for sale of dwelling was forged by the trial court, Patel cites nothing in the record to support the claim, cites no authority, and provides no legal analysis to demonstrate a basis for reversing the order. Additionally, he cites nothing in the record to show that he raised this claim in the trial court. “ ‘As a general rule an appellate court will consider only such points as were raised in the trial court, and this rule precludes a party from asserting, on appeal, claims to relief not asserted or asked for in the court below.’ ” (*Cinnamon Square Shopping Center v. Meadowlark Enterprises* (1994) 24 Cal.App.4th 1837, 1844.) This claim therefore is not properly before us.

With respect to Patel’s statement that there is no record of any proceeding held on January 31, 2018, we note that there were no proceedings on that date. The hearing was held and the matter submitted on January 8, 2018. The trial court ordered Nepomuceno to submit a proposed order to be signed. The court merely signed and filed the order on January 31, 2018.

As to the absence of reporter’s transcripts for hearings held on January 8 and February 9, 2018, “it is [an] appellant’s burden to provide a reporter’s transcript if ‘an appellant intends to raise

any issue that requires consideration of the oral proceedings in the superior court . . . ’ (Cal. Rules of Court, rule 8.120(b)), and it is the appellant who in the first instance may elect to proceed without a reporter’s transcript (Cal. Rules of Court, rule 8.130(a)(4)).” (*Sanowicz v. Bacal* (2015) 234 Cal.App.4th 1027, 1034, fn. 5.) If Patel wished to have a reporter’s transcript for the January 8, 2018 hearing, it was his obligation to procure one.⁴ We do not address the outcome of the February 9, 2018 hearing; it occurred after the order at issue in this appeal, and we have no jurisdiction to consider anything that happened at that hearing. (*In re Francisco W.*, *supra*, 139 Cal.App.4th at p. 706; *Dore v. County of Ventura*, *supra*, 23 Cal.App.4th at p. 323, fn. 2.)

Patel accuses Nepomuceno’s counsel of not telling the truth in the respondent’s brief as to why there were three orders for sale of dwelling, dated January 31, 2018, July 12, 2018, and September 24, 2018. The reasons for the three orders are not before us in this appeal. We can consider the propriety of only the first order, from which the appeal was taken. (*In re Francisco W.*, *supra*, 139 Cal.App.4th at p. 706; *Dore v. County of Ventura*, *supra*, 23 Cal.App.4th at p. 323, fn. 2.) We will ignore any statements in the respondent’s brief unsupported by citations to the record as to this appeal. (*Rybolt v. Riley*, *supra*, 20

⁴ Patel’s status as a self-represented litigant does not excuse compliance with these rules. “[M]ere self-representation is not a ground for exceptionally lenient treatment. Except when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo attorney representation.” (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.)

Cal.App.5th at p. 868; *Harshad & Nasir Corp. v. Global Sign Systems, Inc.*, *supra*, 14 Cal.App.5th at p. 527, fn. 3.)

Finally, we deny Patel's motion to augment the record on appeal. For the reasons discussed above, the documents he seeks to include in the record are not properly before us on this appeal.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED

JOHNSON, Acting P. J.

We concur:

BENDIX, J.

WEINGART, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.